

Appl. No. 09/644,390  
Amdt. dated June 10, 2005  
Reply to Office Action of March 16, 2005

ARGUMENTS/REMARKS

In the Office Action, a new title was required, and a new title is presented that is similar to that suggested by the Examiner. Also, claims 1-4 and 7-8 were rejected under 35 USC 102 as being anticipated by Dixon (US 5,291,516), and claims 5-6 were rejected under 35 USC 103 as being unpatentable over Dixon in view of Siedentop (US 6,329,909) for reasons set forth in the Office Action. Reconsideration of these rejections is requested respectfully in view of the amendment and argument herein.

Claim 1 is amended to provide further detail in the description of the elements of the claim and their cooperation in order to emphasize the distinction between the present invention and the teachings of the cited art.

Upon study of the teachings of Dixon, and Dixon in view of Siedentop, it appears that this art does not disclose the principle of the present invention wherein there is (1) the transmitting of a first coded electromagnetic signal (stimulus signal) from a control unit to a portable transmitter, and then (2) the transmitting of a second coded electromagnetic signal (enable signal) on a carrier having a specific frequency by the portable transmitter, followed by (3) reception of the enable signal via a tunable receiver at the control unit, wherein (4) there is a process of altering the carrier frequency of the coded electromagnetic signals during transmission of the signals in a manner known only to the control unit and to the radio key.

In order to clarify the distinction between the invention, as set forth in claim 1, from the teachings of Dixon, considered alone and in combination with Siedentop, claim 1 is amended further to provide that subject matter appearing in the preamble of the claim appears also in the body of the claim, so that this material will be considered by the Examiner in evaluating the differences between the claimed subject matter and the prior art. Thus, in line 3, there is added text stating that the control unit actuates the security device. Further, in claim 1, there is added text stating that the means for transmitting the second coded electromagnetic signal (the enable signal) transmits the enable signal on a carrier frequency determined from the stimulus signal by the radio key. These amendatory passages were developed based on the Examiner's understanding of the claim obtained in an interview with the Examiner (as reported below). Also, based on the interview, still further clarifying passages were added to insure that the roles of the transmission and reception parts of the control unit and the roles of the transmission and the reception parts of the radio key are set forth clearly to distinguish the claim from the teachings of the cited art. The significance of the amendatory passages may be understood from the following report on the interview.

The interview was conducted by telephone on May 17, 2005 between Applicant's representative and Examiner Parthasarathy in order to obtain an understanding of the grounds of rejection of claim 1 and its depending claims 2-4 and 7-8 as being anticipated by Dixon, and wherein the depending claims 5-6 were rejected on Dixon in view of Siedentop who provides for a cryptoalgorithm. It is noted that Dixon discloses the construction of a telephone having a transmit channel and a receive channel which share a mode controller 103, a tunable frequency synthesizer 105, and a

chip-code generator 107 to insure cooperation of the two channels in respect to carrier frequency, spectrum, and mode of operation. In contrast, the present invention, as set forth in claim 1, has two transmitters and two receivers of which one transmitter and one receiver are located in a control unit, and the second transmitter and the second receiver are located in a radio key, and wherein the radio key and the control unit are able to communicate securely for activation of a security device.

The Examiner explained that material in the preamble of the claim was not being considered for purposes of comparing the teaching of Dixon with the teaching of the present invention. Also, it was said that the language of the claim was broad enough to permit comparison of the elements of the security actuating device of the invention with the elements of the telephone of Dixon. No agreement was reached at the interview. However, Applicant's representative expressed the intent to amend claim 1 so as to provide further detail in the claim to facilitate distinguishing the claim from the teachings of Dixon. This completes the report on the substance of the interview.

As amended, claim 1 sets forth that the control unit has means for transmitting the coded stimulus signal that is received by receiving means of the radio key, that the radio key has means for transmitting a coded enable signal on a carrier frequency determined from the stimulus signal by the radio key, and that the control unit has a receiver tuned to the foregoing frequency and actuates the security device upon recognition of the enable signal by the control unit. Furthermore, claim 1 states that there are means for altering the carrier frequency and means for tuning the receiver of the control unit to the carrier frequency

during signal transmission in a manner known only to the control unit and to the radio key.

In view of the foregoing discussion of the teaching of Dixon, it is clear that there is no teaching in Dixon, and no suggestion in Dixon, of two separate units, such as the present control unit and the present radio key, wherein each is provided with the combination of transmitter/receiver so as to be able to communicate with each other, and wherein the control unit provides a stimulus signal to the radio key that, in turn, provides an enable signal to the control unit under the circumstance wherein the frequency of the enable signal is varied along with a corresponding tuning of the control unit's receiver for secure transmission, thereby to enable the control unit to actuate the security device.

It is urged that the foregoing argument overcomes the rejection under 35 U.S.C. 102 with respect to claim 1, as amended, and shows furthermore that the teaching of Dixon is too far removed from the teaching of claim 1 to support even a rejection under 35 U.S.C. 103.

The following additional points of argument, presented in the previous response, are noted also.

Siedentop, in column 10, lines 50-54, in dealing with the application of different carrier frequencies, does not teach that the frequency is altered during signal transmission.

The alteration of a carrier frequency should not be confused with frequency modulation of a signal, the latter being the subject of Siedentop (see column 4, lines 1-10 and column 10, lines 36-59).

Therefore, even a combination of Dixon with Siedentop does not suggest the present invention.


In view of the foregoing analysis, it is urged that the foregoing argument has overcome the rejections under 35 USC 102 and 103 to secure allowable subject matter in the claims.

In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted,  
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